

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY  
ASHLAND DIVISION

IN RE:

BUBBA SAMPLE  
IMA SAMPLE

CASE NO. \_\_\_\_\_

DEBTORS

**MOTION TO TERMINATE AUTOMATIC STAY**

Comes the movant, NATIONAL CITY BANK, secured creditor in the above captioned proceeding, and pursuant to 11 USC §362(d), moves this Court for an order terminating the stay to enable the creditor to recover and dispose of its collateral: 1996 TOYOTA CAMRY DX. Support for this Motion is set for in the following Memorandum. Movant further requests that the stay remain terminated in the event the debtors convert to a different chapter under the Bankruptcy Code. Movant further requests that any order granting this motion also removes the provision for the ten (10) day permitted by Rule 4001(a).

TRAIN ATTORNEY LAW FIRM

/s/Train Attorney  
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## **MEMORANDUM**

1. Jurisdiction over this matter is vested in this Court by virtue of 28 USC §1334(b) and the general order of reference previously entered in this district.
2. This is a core proceeding under 28 USC §157(b)(2)(G).
3. On March 22, 1999, Bubba Sample and Ima Sample executed one Simple Interest Note and Security Agreement for the purchase of the following:  
1996 TOYOTA CAMRY DX.
4. As of April 23, 2001, Debtors were obligated to NATIONAL CITY BANK on said obligation in the amount of \$11,218.23. Debtors have not made the required payments and the account is overdue and in default.
5. Secured Creditor would like to exercise its right to accelerate the balance due on this obligation, to repossess its collateral, sell the collateral, and apply the net proceeds to this obligation.
6. There is no equity in the collateral for unsecured creditors.
7. A copy of Movant's Proof of Claim is attached hereto.

WHEREFORE, for the reasons stated herein, NATIONAL CITY BANK respectfully requests that this Court terminate the stay as to the 1996 TOYOTA CAMRY DX to permit secured creditor, its successors and assigns, to accelerate its balance due and exercise its contractual and state law remedies, including repossession of the collateral.

MOVANT FURTHER REQUESTS that the stay remain terminated in the event the debtor converts to a different chapter under the Bankruptcy Code.

## NOTICE

Please take notice that unless a party in interest, within 15 days from the date of this motion, files a response to the motion and a request for a hearing upon such response, an Order may be entered without further notice.

DATED: October 29, 2001

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PROOF OF CLAIM WOULD BE ADDED AS AN ATTACHMENT TO  
THE MOTION FOR RELIEF FROM STAY